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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,364	05/07/2001	Satoru Yamaguchi	461-27	8100
7590	10/06/2003		EXAMINER	
Nixon & Vanderhye P.C. 8th Floor 1100 North Glebe Road Arlington, VA 22201-4714				DEL SOLE, JOSEPH S
		ART UNIT	PAPER NUMBER	1722

DATE MAILED: 10/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/849,364	YAMAGUCHI ET AL.
	Examiner	Art Unit
	Joseph S. Del Sole	1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1 and 4-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1,4-8 and 10 is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) 9,11 and 12 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 13 August 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
  - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other:   |

## DETAILED ACTION

### ***Drawings***

1. The drawings were received on 8/13/03. These drawings are accepted.

### ***Claim Objections***

2. Claim 9 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.
3. Claims 11 and 12 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Both of claims 11 and 12 fail to recite structural limitations, which are necessary in an apparatus claim in order to further limit a previous claim. Material limitations, such as those in claims 11 and 12 are not structural and do not limit the apparatus. See MPEP 2114 and 2115. The Examiner notes that although claim 9 is not being further treated on the merits, it, like claims 11 and 12, fails to further limit the subject matter of a previous claim. If claim 9 is amended to properly depend from a previous claim(s) the claim would be objected to under 37CFR 1.75(c) as stated above.

### ***Response to Arguments***

4. Applicant's arguments filed 8/13/03 have been fully considered but they are not persuasive.

The Applicant argues that the amendments to claims 8 and 9 overcome the improper multiple dependent objection.

The Examiner disagrees. While claim 8 is a proper multiple dependent claim, claim 9 is improper because a multiple dependent claim cannot be dependent on another multiple dependent claim.

The Applicant's other arguments are persuasive and the objections and rejections of the Office action of 2/13/03, excluding those discussed above, are overcome.

***Allowable Subject Matter***

5. Claims 1, 4-8 and 10 are allowed.
6. The following is an examiner's statement of reasons for allowance: the prior art of record fails to teach or suggest an extrusion molding apparatus having a screw extruder and a filter unit for filtering the material at the an extrusion outlet of said screw extruder, wherein the screw extruder has on a front part thereof a spatula portion adapted to move over an inlet surface of the filter unit with a predetermined interval between the spatula portion and the inlet surface, and wherein the interval between the spatula portion and said inlet surface is in the range of 0.1 to 30 mm.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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7. This application is in condition for allowance except for the following formal matters:

Claim 9 is an improper multiple dependent claim and claims 11 and 12 fail to further limit the previous claims. (Also, if claim 9 is rewritten to overcome its improper multiple dependence, it would then fail to further limit the previous claims as discussed for claims 11 and 12). Claims 9, 11 and 12 should be deleted to put the application in condition for allowance.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

#### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph S. Del Sole whose telephone number is (703) 308-6295. The examiner can normally be reached on Monday through Friday from 8:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wanda Walker, can be reached at (703) 308-0457. The official fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 for both non-after finals and for after finals.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

*Joseph S. Del Sole*  
J.S.D.

September 30, 2003

*Robert Davis*  
ROBERT DAVIS  
PRIMARY EXAMINER  
GROUP 1300, 700

9/30/03